

AMENDED IN ASSEMBLY JUNE 25, 2007

SENATE BILL

No. 1047

Introduced by Committee on Business, Professions and Economic Development (Senators Ridley-Thomas (Chair), Aanestad, Corbett, Denham, Florez, Harman, Simitian, and Yee)

March 22, 2007

An act to amend Sections ~~6533~~ 6501, 6533, 6712, 6738, 6770, 6770.6, 6775.1, 6799, 7058, 7071.6, 7071.9, 8505.2, 8505.3, 8505.4, 8506.1, 8507, 8509, 8510, 8512, 8525, 8551.5, 8565.5, 8591, 8592, 8610, 8611, 8612, 8617, 8776, 8776.7, 8780.1, 8805, 9812.5, 9830.5, 9831, 9832.5, 9841, 9847.5, 9848, 9849, 9851, 9853, 9855.7, 9855.8, 9855.9, 9860, 9862.5, 9863, 9873, 19008.1, 19129, 19132, and 19170.5 of, ~~and to add Sections 101.7 and 9884.20 to, to repeal Section 8505.15 of, and to repeal and add Section 8712 of,~~ the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1047, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs which is comprised of various boards and similar entities with responsibilities for the licensure and regulation of various licensed professions and vocations. Under existing law, the department is under the control of the Director of Consumer Affairs.

This bill would require each of those boards to meet at least 3 times each calendar year and at least once each calendar year in Northern California and in Southern California. The bill would authorize the director to exempt any board from the meeting requirement upon a

showing of good cause and to call a special meeting of the board when a board is not fulfilling its duties.

(2) Existing law, the Professional Fiduciaries Act, requires a person to meet specified requirements for licensure as a professional fiduciary, including the possession of either a baccalaureate degree of arts or sciences, an associate of arts or science degree and at least 5 years experience with substantive fiduciary responsibilities, as specified, or experience of not less than 3 years with substantive fiduciary responsibilities, as specified. *Existing law specifies that a professional fiduciary, among other things, does not include any person whose sole activity as a professional fiduciary is as a broker-dealer, broker-dealer agent, or investment adviser representative.*

This bill would instead require possession of either a baccalaureate degree of arts or sciences, an associate of arts or sciences degree and at least 3 years experience working as a professional fiduciary or working with substantive fiduciary responsibilities, as specified, or experience of not less than 5 years working as a professional fiduciary or working with substantive fiduciary responsibilities, as specified. *The bill would specify that a professional fiduciary also does not include any person whose sole activity as a professional fiduciary is as an investment adviser.*

(3) *Existing law, the Professional Engineers Act and the Professional Land Surveyors' Act, provides for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors, in the Department of Consumer Affairs.*

Existing law requires a licensee to report to the board a felony conviction and a civil judgment, settlement, arbitration award, or administrative action award of \$50,000 or more, occurring on or after July 1, 2006, if funds are appropriated for that purpose in the 2006–07 Budget Act and sufficient hiring authority is granted to the board for that purpose.

This bill would instead require a licensee to report to the board those matters occurring on or after January 1, 2008, if funds are appropriated for that purpose in the 2007–08 Budget Act and sufficient hiring authority is granted to the board for that purpose.

Existing law authorizes the board to receive and investigate complaints against engineers-in-training and land surveyors-in-training and, by a majority vote, to revoke his or her certificate for, among other things, conviction of a crime or violating the act.

The bill would additionally authorize the board, by a majority vote, to revoke the certificate of any engineer-in-training or land surveyor-in-training for committing any act constituting grounds for denial of a license.

Existing law requires the executive officer of the board to prepare a specified roster with the names and addresses of all licensed land surveyors and delinquent licenses, to be filed with the Secretary of State.

This bill would instead require the board or an entity designed by the board to compile and maintain a register of all licensees that includes specified information for all licensed land surveyors.

The bill would also make nonsubstantive, technical changes.

~~(3)~~

(4) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board.

The bill would make nonsubstantive, technical changes to provisions of that law.

~~(4)~~

(5) The Electronic and Appliance Repair Dealer Registration Law provides for registration and regulation of service dealers and service contractors by the Bureau of Electronic and Appliance Repair in the Department of Consumer Affairs.

Existing law regulating service contractors will be repealed on January 1, 2008. Existing law requires persons acting as service contractors to be registered, and provides for various criminal penalties for a violation of these provisions.

This bill would extend the operation of these provisions until January 1, 2013. Because these criminal penalties would be extended, the bill would impose a state-mandated local program by expanding the scope of a crime.

Existing law requires the Director of Consumer Affairs to validate the registration and send proof of validation to the service dealer. Under existing law, the director may refuse to validate, or may temporarily or permanently invalidate the registration of a service dealer for specified acts or omissions done by the service dealer or associated person.

This bill would instead require the director to issue the registration and send proof of issuance to the service dealer. The bill would instead authorize the director to deny, suspend, revoke, or place on probation the registration of a service dealer for specified acts or omissions done

by the service dealer or associated person and would also add to that list of specified acts or omissions.

(5)

(6) *Existing law provides for licensing and regulation of structural pest control operators by the Structural Pest Control Board. Existing law provides that a violation of those provisions is a crime.*

Existing law authorizes fumigation to be performed only under the direct and personal supervision of an operator or field representative in a branch of pest control that includes fumigation or who a qualifying manager of a registered company.

This bill would instead authorize fumigation to be performed only under the direct and personal supervision of an operator or field representative in a branch of pest control that includes fumigation and would modify the definition of “direct and personal supervision” for that purpose.

Existing law requires a registered company, as defined, to make specified masks available for a fumigating crew for protection against fumigants.

This bill would repeal that provision.

Existing law provides that a structural pest control field representative is licensed by the board to secure structural pest control work, identify infestations or infections, make inspections, submit bids for or otherwise contract, on behalf of a registered company.

This bill would specify that a structural pest control field representative is also licensed by the board to apply pesticides on behalf of a registered company.

Existing law requires the board to consult with the Director of Food and Agriculture when developing or adopting regulations that may affect the Department of Food and Agriculture.

This bill would instead require the board to consult with the Department of Pesticide Regulation in that regard.

Existing law prohibits an unlicensed individual in the employ of a registered company from applying any pesticide, rodenticide, or allied chemicals or substances for specified purposes. Existing law authorizes an individual, for 30 days from the date of hire, to apply pesticides, rodenticides, or allied chemicals for training purposes under specified supervision.

This bill would instead only prohibit an unlicensed individual in the employ of a registered company from applying any pesticide for

specified purposes and would authorize an individual, for 30 days from the date of employment, to apply pesticides under specified supervision.

Existing law requires applicants for a Branch 1, 2, or 3 operator's license to demonstrate to the board that he or she has passed board-approved courses in certain areas and requires the board to develop correspondence courses with educational institutions to fulfill this requirement.

This bill would delete the provision requiring the board to develop those correspondence courses.

Existing law requires companies engaging in the practice of structural pest control to be registered with the board and to designate an individual with an operator's license to act as its qualifying manager.

This bill would prohibit an individual with an operator's license from acting as a qualifying manager for more than 2 registered companies, as specified.

Existing law requires the licenses of operators to be prominently displayed in the registered company's office.

This bill would instead require the licenses of qualifying managers to be prominently displayed in the registered company's office. The bill would also require the branch supervisor's license to be prominently displayed in a branch office.

The bill would make nonsubstantive, conforming, and technical changes to provisions of that law.

Because the bill would impose new requirements under the law dealing with structural pest control operators, a violation of which would be a crime, the bill would impose a state-mandated local program.

(7) Existing law, the Automotive Repair Act, provides for the licensure and regulation of automotive repair dealers. Under existing law, there is a Bureau of Automotive Repair, which is under the supervision of the Director of Consumer Affairs. Existing law authorizes the director and the Chief of the Bureau of Automotive Repair to bring disciplinary actions against an automotive repair dealer.

This bill would provide that all accusations against an automotive repair dealer shall be filed within 3 years after the act or omission alleged as the ground for disciplinary action, except that an accusation alleging fraud or misrepresentation may be filed within 2 years after the bureau's discovery of the fraud or misrepresentation, as specified.

(6)

(8) Under existing law, the Home Furnishings and Thermal Insulation Act, there is the Bureau of Home Furnishings and Thermal Insulation which is responsible for the licensure and regulation of, among others, upholstered furniture retailers, bedding retailers, and upholstered furniture and bedding wholesalers. A violation of the act is a crime.

Under existing law, a license that is not renewed within one year of expiration is canceled; however, the holder of a license may apply to have his or her license restored, reinstated, or reissued if specified requirements are met.

This bill would delete that provision authorizing the holder of a license to have his or her license restored, reinstated, or reissued. *The bill would specify that to renew an expired license, the licensee shall apply on a form prescribed by the chief of the bureau, pay the renewal fee in effect on the last regular renewal date, and pay all accrued and unpaid delinquency, penalty, and renewal fees.*

Existing law requires secondhand, as defined, bedding to be sanitized before it is sold.

This bill would extend that requirement to used, as defined, bedding. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(7)

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101.7 is added to the Business and
- 2 Professions Code, to read:
- 3 101.7. (a) Notwithstanding any other provision of law, boards
- 4 shall meet at least three times each calendar year. Boards shall
- 5 meet at least once each calendar year in Northern California and
- 6 once each calendar year in Southern California in order to facilitate
- 7 participation by the public and its licensees.
- 8 (b) The director at his or her discretion may exempt any board
- 9 from the requirement in subdivision (a) upon a showing of good

1 cause that the board is not able to meet at least three times in a
2 calendar year.

3 (c) The director may call for a special meeting of the board
4 when a board is not fulfilling its duties.

5 *SEC. 2. Section 6501 of the Business and Professions Code is*
6 *amended to read:*

7 6501. As used in this chapter, the following terms have the
8 following meanings:

9 (a) “Act” means this chapter.

10 (b) “Bureau” means the Professional Fiduciaries Bureau within
11 the Department of Consumer Affairs, established pursuant to
12 Section 6510.

13 (c) “Client” means an individual who is served by a professional
14 fiduciary.

15 (d) “Department” means the Department of Consumer Affairs.

16 (e) “Licensee” means a person who is licensed under this chapter
17 as a professional fiduciary.

18 (f) “Professional fiduciary” means a person who acts as a
19 conservator or guardian for two or more persons at the same time
20 who are not related to the professional fiduciary or to each other
21 by blood, adoption, marriage, or registered domestic partnership.
22 “Professional fiduciary” also means a person who acts as a trustee,
23 agent under a durable power of attorney for health care, or agent
24 under a durable power of attorney for finances, for more than three
25 people or more than three families, or a combination of people and
26 families that totals more than three, at the same time, who are not
27 related to the professional fiduciary by blood, adoption, marriage,
28 or registered domestic partnership. “Professional fiduciary” does
29 not include any of the following:

30 (1) A trust company, as defined in Section 83 of the Probate
31 Code.

32 (2) An FDIC-insured institution, or its holding companies,
33 subsidiaries, or affiliates. For the purposes of this paragraph,
34 “affiliate” means any entity that shares an ownership interest with,
35 or that is under the common control of, the FDIC-insured
36 institution.

37 (3) A person employed by an entity described in paragraph (1)
38 or (2) who is acting in the course and scope of that employment.

39 (4) Any public officer or public agency, including the public
40 guardian, public conservator, or other agency of the State of

1 California or of a county of California, when that public officer
2 or public agency is acting in the course and scope of official duties,
3 or any regional center for persons with developmental disabilities
4 as defined in Section 4620 of the Welfare and Institutions Code.

5 (5) Any person whose sole activity as a professional fiduciary
6 is as a broker-dealer, broker-dealer agent, *investment adviser*, or
7 investment adviser representative registered and regulated under
8 the Corporate Securities Law of 1968 (Division 1 (commencing
9 with ~~section~~ Section 25000) of Title 4 of the Corporations Code),
10 the Investment Advisers Act of 1940 (15 U.S.C. *Sec.* 80b-1 et
11 seq.), or the Securities Exchange Act of 1934 (15 U.S.C. *Sec.* 78a
12 et seq.), or involves serving as a trustee to a company regulated
13 by the Securities and Exchange Commission under the Investment
14 Company Act of 1940 (15 U.S.C. *Sec.* 80a-1 et seq.).

15 (g) “Committee” means the Professional Fiduciaries Advisory
16 Committee, as established pursuant to Section 6511.

17 ~~SEC. 2.~~

18 *SEC. 3.* Section 6533 of the Business and Professions Code is
19 amended to read:

20 6533. In order to meet the qualifications for licensure as a
21 professional fiduciary a person shall meet all of the following
22 requirements:

23 (a) Be at least 21 years of age.

24 (b) Be a United States citizen, or be legally admitted to the
25 United States.

26 (c) Have not committed any acts that are ~~ground~~ *grounds* for
27 denial of a license under Section 480 or 6536.

28 (d) Submit fingerprint images as specified in Section 6533.5 in
29 order to obtain criminal offender record information.

30 (e) Have completed the required prelicensing education
31 described in Section 6538.

32 (f) Have passed the licensing examination administered by the
33 bureau pursuant to Section 6539.

34 (g) Have at least one of the following:

35 (1) A baccalaureate degree of arts or sciences from a college or
36 university accredited by a nationally recognized accrediting body
37 of colleges and universities or a higher level of education.

38 (2) An associate of arts or sciences degree from a college or
39 university accredited by a nationally recognized accrediting body
40 of colleges and universities, and at least three years of experience

1 working as a professional fiduciary or working with substantive
2 fiduciary responsibilities for a professional fiduciary, public
3 agency, or financial institution acting as a conservator, guardian,
4 trustee, personal representative, or agent under a power of attorney.

5 (3) Experience of not less than five years, prior to July 1,
6 ~~2008, working~~ 2008, *working* as a professional fiduciary or working
7 with substantive fiduciary responsibilities for a public agency or
8 financial institution acting as a conservator, guardian, trustee,
9 personal representative, or agent under a power of attorney.

10 (h) Agree to adhere to the Professional Fiduciaries Code of
11 Ethics and to all statutes and regulations.

12 (i) Consent to the bureau conducting a credit check on the
13 applicant.

14 (j) File a completed application for licensure with the bureau
15 on a form provided by the bureau and signed by the applicant under
16 penalty of perjury.

17 (k) Submit with the license application a nonrefundable
18 application fee, as specified in this chapter.

19 *SEC. 4. Section 6712 of the Business and Professions Code is*
20 *amended to read:*

21 6712. (a) All appointments to the board shall be for a term of
22 four years. Vacancies shall be filled by appointment for the
23 unexpired term. Each appointment thereafter shall be for a
24 four-year term expiring on June 30 of the fourth year following
25 the year in which the previous term expired.

26 (b) Each member shall hold office until the appointment and
27 qualification of his or her successor or until one year shall have
28 elapsed since the expiration of the term for which he or she was
29 appointed, whichever first occurs. No person shall serve as a
30 member of the board for more than two consecutive terms.

31 (c) The Governor shall appoint professional members so that
32 one is licensed to practice engineering as a civil engineer, one as
33 an electrical engineer, one as a mechanical engineer, another is
34 authorized to use the title of structural engineer, and one is a
35 member of one of the remaining branches of engineering. One of
36 the professional members licensed under this chapter *or under*
37 *Chapter 15 (commencing with Section 8700)* shall be from a local
38 public agency, and one shall be from a state agency.

39 (d) The Governor shall appoint five of the public members and
40 the professional members qualified as provided in Section 6711.

1 The Senate Rules Committee and the Speaker of the Assembly
2 shall each appoint a public member.

3 *SEC. 5. Section 6738 of the Business and Professions Code is*
4 *amended to read:*

5 6738. (a) This chapter does not prohibit one or more civil,
6 electrical, or mechanical engineers from practicing or offering to
7 practice within the scope of their license civil (including
8 geotechnical and structural), electrical, or mechanical engineering
9 as a sole proprietorship, partnership, firm, or corporation
10 (hereinafter called business), if all of the following requirements
11 are met:

12 (1) A civil, electrical, or mechanical engineer currently licensed
13 in this state is an owner, partner, or officer in charge of the
14 engineering practice of the business.

15 (2) All civil, electrical, or mechanical engineering services are
16 performed by, or under the responsible charge of, a professional
17 engineer licensed in the appropriate branch of professional
18 engineering.

19 (3) If the business name of a California engineering business
20 contains the name of any person, then that person shall be licensed
21 as a professional engineer, a licensed land surveyor, a licensed
22 architect, or a geologist registered under the Geologist Act (Chapter
23 12.5 (commencing with Section 7800)). Any offer, promotion, or
24 advertisement by the business that contains the name of any
25 individual in the business, other than by use of the name of an
26 individual in the business name, shall clearly and specifically
27 designate the license or registration discipline of each individual
28 named.

29 (b) An out-of-state business with a branch office in this state
30 shall meet the requirements of subdivision (a) and shall have an
31 owner, partner, or officer who is in charge of the engineering work
32 in the branch in this state, who is licensed in this state, and who is
33 physically present at the branch office in this state on a regular
34 basis. However, the name of the business may contain the name
35 of any person not licensed in this state if that person is
36 appropriately registered or licensed in another state. Any offer,
37 promotion, or advertisement which contains the name of any
38 individual in the business, other than by use of the names of the
39 individuals in the business name, shall clearly and specifically

1 designate the license or registration discipline of each individual
2 named.

3 (c) The business name of a California engineering business may
4 be a fictitious name. However, if the fictitious name includes the
5 name of any person, the requirements of paragraph (3) of
6 subdivision (a) shall be met.

7 (d) A person not licensed under this chapter may also be a
8 partner or an officer of a civil, electrical, or mechanical engineering
9 business if the requirements of subdivision (a) are met. Nothing
10 in this section shall be construed to permit a person who is not
11 licensed under this chapter to be the sole owner of a civil, electrical,
12 or mechanical engineering business, unless otherwise exempt under
13 this chapter.

14 (e) This chapter does not prevent an individual or business
15 engaged in any line of endeavor other than the practice of civil,
16 electrical, or mechanical engineering from employing or
17 contracting with a licensed civil, electrical, or mechanical engineer
18 to perform the respective engineering services incidental to the
19 conduct of business.

20 (f) This section shall not prevent the use of the name of any
21 business engaged in rendering civil, electrical, or mechanical
22 engineering services, including the use by any lawful successor
23 or survivor, that lawfully was in existence on December 31, 1987.
24 However, the business is subject to paragraphs (1) and (2) of
25 subdivision (a).

26 (g) A business engaged in rendering civil, electrical, or
27 mechanical engineering services may use in its name the name of
28 a deceased or retired person provided all of the following
29 conditions are satisfied:

30 (1) The person's name had been used in the name of the
31 business, or a predecessor in interest of the business, prior to and
32 after the death or retirement of the person.

33 (2) The person shall have been an owner, partner, or officer of
34 the business, or an owner, partner, or officer of the predecessor in
35 interest of the business.

36 (3) The person shall have been licensed as a professional
37 engineer, or a land surveyor, or an architect, or a geologist, (A) by
38 the appropriate licensing board if that person is operating a place
39 of business or practice in this state, or (B) by the applicable state
40 board if no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(h) This section does not affect the provisions of Sections 6731.2 and 8726.1.

(i) A current organization record form shall be filed with the board for all ~~business~~ *businesses* engaged in rendering civil, electrical, or mechanical engineering services.

SEC. 6. Section 6770 of the Business and Professions Code is amended to read:

6770. (a) A licensee shall report to the board in writing the occurrence of any of the following events that occurred on or after ~~July 1, 2006~~ *January 1, 2008*, within 90 days of the date the licensee has knowledge of the event:

(1) The conviction of the licensee of any felony.

(2) The conviction of the licensee of any other crime that is substantially related to the qualifications, functions, and duties of a licensed professional engineer.

(3) Any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, or recklessness by the licensee in the practice of professional engineering if the amount or value of the judgment, settlement, or arbitration award is fifty thousand dollars (\$50,000) or greater.

(b) The report required by subdivision (a) shall be signed by the licensee and set forth the facts that constitute the reportable event. If the reportable event involves the action of an administrative agency or court, the report shall set forth the title of the matter, court or agency name, docket number, and the date the reportable event occurred.

1 (c) A licensee shall promptly respond to oral or written inquiries
2 from the board concerning the reportable events, including inquiries
3 made by the board in conjunction with license renewal.

4 (d) Nothing in this section shall impose a duty upon any licensee
5 to report to the board the occurrence of any of the events set forth
6 in subdivision (a) either by or against any other licensee.

7 (e) Failure of a licensee to report to the board in the time and
8 manner required by this section shall be grounds for disciplinary
9 action.

10 (f) For the purposes of this section, a conviction includes the
11 initial plea, verdict, or finding of guilt; a plea of no contest; or
12 pronouncement of sentence by a trial court even though the
13 conviction may not be final or sentence actually imposed until all
14 appeals are exhausted.

15 *SEC. 7. Section 6770.6 of the Business and Professions Code*
16 *is amended to read:*

17 6770.6. This article shall become operative on ~~July 1, 2006~~
18 *January 1, 2008*, only if an appropriation is made from the
19 Professional Engineer's and Land Surveyor's Fund for the ~~2006-07~~
20 *2007-08* fiscal year in the annual Budget Act to fund the activities
21 of this article, and sufficient hiring authority is granted to the board
22 pursuant to a budget change proposal to provide sufficient staffing
23 to implement this article.

24 *SEC. 8. Section 6775.1 of the Business and Professions Code*
25 *is amended to read:*

26 6775.1. The board may receive and investigate complaints
27 against engineers-in-training; and make findings thereon.

28 By a majority vote, the board may revoke the certificate of any
29 engineer-in-training:

30 (a) Who has been convicted of a crime as defined in subdivision
31 (a) of Section 480.

32 (b) *Who has committed any act that would be grounds for denial*
33 *of licensure pursuant to Section 480 or 496.*

34 ~~(b)~~

35 (c) Who has been found guilty of any fraud, deceit, or
36 misrepresentation in obtaining his or her engineer-in-training
37 certificate or certificate of registration, certification, or authority
38 as a professional engineer.

39 ~~(e)~~

1 (d) Who aids or abets any person in the violation of any
2 provision of this chapter.

3 ~~(d)~~

4 (e) Who violates Section 119 with respect to an
5 engineer-in-training certificate ~~or~~.

6 (f) Who commits any act described in Section 6787.

7 ~~(e)~~

8 (g) Who violates any provision of this chapter.

9 *SEC. 9. Section 6799 of the Business and Professions Code is*
10 *amended to read:*

11 6799. The amount of the fees prescribed by this chapter shall
12 be fixed by the board in accordance with the following schedule:

13 (a) The fee for filing each application for ~~registration~~ *licensure*
14 as a professional engineer and each application for authority level
15 designation at not more than four hundred dollars (\$400), and for
16 each application for certification as an engineer-in-training at not
17 more than one hundred dollars (\$100).

18 (b) The temporary ~~registration~~ *authorization* fee for a
19 professional engineer at not more than 25 percent of the application
20 fee in effect on the date of application.

21 (c) The renewal fee for each branch of professional engineering
22 in which ~~registration~~ *licensure* is held, and the renewal fee for each
23 authority level designation held, at no more than the professional
24 engineer application fee currently in effect.

25 (d) The fee for a retired license at not more than 50 percent of
26 the professional engineer application fee in effect on the date of
27 application.

28 (e) The delinquency fee at not more than 50 percent of the
29 renewal fee in effect on the date of reinstatement.

30 (f) The board shall establish by regulation an appeal fee for
31 examination. The regulation shall include provisions for an
32 applicant to be reimbursed the appeal fee if the appeal results in
33 passage of examination. The fee charged shall be no more than
34 the costs incurred by the board.

35 (g) All other document fees are to be set by the board by rule.

36 Applicants wishing to be examined in more than one branch of
37 engineering shall be required to pay the additional fee for each
38 examination after the first.

~~SEC. 3.~~

SEC. 10. Section 7058 of the Business and Professions Code is amended to read:

7058. (a) A specialty contractor is a contractor whose operations involve the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

(b) A specialty contractor includes a contractor whose operations include the business of servicing or testing fire extinguishing systems.

(c) A specialty contractor includes a contractor whose operations are concerned with the installation and laying of carpets, linoleum, and resilient floor covering.

(d) A specialty contractor includes a contractor whose operations are concerned with preparing or removing roadway construction zones, lane closures, flagging, or traffic diversions on roadways, including, but not limited to, public streets, highways, or any public conveyance.

~~SEC. 4.~~

SEC. 11. Section 7071.6 of the Business and Professions Code is amended to read:

7071.6. (a) The board shall require as a condition precedent to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a license, that the applicant or licensee file or have on file a contractor's bond in the sum of twelve thousand five hundred dollars (\$12,500).

(b) Excluding the claims brought by the beneficiaries specified in subdivision (a) of Section 7071.5, the aggregate liability of a surety on claims brought against a bond required by this section shall not exceed the sum of seven thousand five hundred dollars (\$7,500). The bond proceeds in excess of seven thousand five hundred dollars (\$7,500) shall be reserved exclusively for the claims of the beneficiaries specified in subdivision (a) of Section 7071.5. However, nothing in this section shall be construed so as to prevent any beneficiary specified in subdivision (a) of Section 7071.5 from claiming or recovering the full measure of the bond required by this section.

(c) No bond shall be required of a holder of a license that has been inactivated on the official records of the board during the period the license is inactive.

(d) Notwithstanding any other provision of law, as a condition precedent to licensure, the board may require an applicant to post a contractor's bond in twice the amount required pursuant to subdivision (a) until the time that the license is renewed, under the following conditions:

(1) The applicant has either been convicted of a violation of Section 7028 or has been cited pursuant to Section 7028.7.

(2) If the applicant has been cited pursuant to Section 7028.7, the citation has been reduced to a final order of the registrar.

(3) The violation of Section 7028, or the basis for the citation issued pursuant to Section 7028.7, constituted a substantial injury to the public.

~~SEC. 5.~~

SEC. 12. Section 7071.9 of the Business and Professions Code is amended to read:

7071.9. (a) If the qualifying individual, as referred to in Sections 7068 and 7068.1, is neither the proprietor, a general partner, nor a joint licensee, he or she shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of twelve thousand five hundred dollars (\$12,500). This bond is in addition to, and may not be combined with, any contractor's bond required by Sections 7071.5 to 7071.8, inclusive, and is required for the issuance, reinstatement, reactivation, or continued valid use of a license.

(b) Excluding the claims brought by the beneficiaries specified in paragraph (1) of subdivision (a) of Section 7071.10, the aggregate liability of a surety on claims brought against the bond required by this section shall not exceed the sum of seven thousand five hundred dollars (\$7,500). The bond proceeds in excess of seven thousand five hundred dollars (\$7,500) shall be reserved exclusively for the claims of the beneficiaries specified in paragraph (1) of subdivision (a) of Section 7071.10. However, nothing in this section shall be construed to prevent any beneficiary specified in paragraph (1) of subdivision (a) of Section 7071.10 from claiming or recovering the full measure of the bond required by this section. This bond is in addition to, and may not be combined with, any contractor's bond required by Sections 7071.5 to 7071.8, inclusive, and is required for the issuance, reinstatement, reactivation, or continued valid use of a license.

1 (c) The responsible managing officer of a corporation shall not
2 be required to file or have on file a qualifying individual's bond,
3 if he or she owns 10 percent or more of the voting stock of the
4 corporation and certifies to that fact on a form prescribed by the
5 registrar.

6 *SEC. 13. Section 8505.2 of the Business and Professions Code*
7 *is amended to read:*

8 8505.2. Fumigation shall be performed only under the direct
9 and personal supervision of an individual who is licensed by the
10 board as an operator or field representative in a branch of pest
11 control ~~which that~~ includes fumigation ~~or who is the qualifying~~
12 ~~manager of a registered company which is so registered.~~

13 *SEC. 14. Section 8505.3 of the Business and Professions Code*
14 *is amended to read:*

15 8505.3. "Direct and personal supervision" as used in Section
16 8505.2 means that the *Branch 1* licensee exercising ~~such that~~
17 supervision shall be present at the site of the fumigation during
18 the entire time the fumigants are being released, the time ventilation
19 is commenced, and at the time property is released for occupancy.

20 *SEC. 15. Section 8505.4 of the Business and Professions Code*
21 *is amended to read:*

22 8505.4. Fumigation shall be performed in compliance with all
23 applicable state, county, ~~city~~, and ~~city and county~~ laws and
24 ordinances and all applicable laws and regulations of the United
25 States.

26 *SEC. 16. Section 8505.15 of the Business and Professions Code*
27 *is repealed.*

28 ~~8505.15. Two effective masks of a type approved by the~~
29 ~~National Institute of Occupational Safety and Health for protection~~
30 ~~against the fumigant being used shall be made readily available~~
31 ~~by the registered company to a fumigating crew whenever a~~
32 ~~fumigant is introduced into or removed from a structure.~~

33 *SEC. 17. Section 8506.1 of the Business and Professions Code*
34 *is amended to read:*

35 8506.1. A "registered company" is any sole proprietorship,
36 partnership, corporation, or other organization or any combination
37 thereof ~~which that~~ is registered with the Structural Pest Control
38 Board to engage in the practice of structural pest control.

39 A registered company may secure structural pest control work,
40 submit bids, or otherwise contract for pest control work. A

1 registered company may ~~hire~~ *employ* licensed field representatives
2 and licensed operators to identify infestations or infections, make
3 inspections, and represent the company in the securing of pest
4 control work. A registered company may hire or employ individuals
5 who are not licensed under this chapter to perform work on
6 contracts covering wood-destroying organisms only after an
7 operator or field representative has fully completed the negotiation
8 or signing of the contract covering a given job.

9 A registered company may hire and use individuals who are not
10 licensed under this chapter on service contracts already established.

11 *SEC. 18. Section 8507 of the Business and Professions Code*
12 *is amended to read:*

13 8507. (a) “Structural pest control field representative” is any
14 individual who is licensed by the board to secure structural pest
15 control work, identify infestations or infections, make inspections,
16 *apply pesticides*, submit bids for or otherwise contract, ~~in~~ *on* behalf
17 of a registered company.

18 A pest control field representative shall not contract for pest
19 control work or perform pest control work ~~in~~ *on* his or her own
20 behalf.

21 (b) As used in this chapter, “field representative” refers to
22 “structural pest control field representative.”

23 *SEC. 19. Section 8509 of the Business and Professions Code*
24 *is amended to read:*

25 8509. “Branch office” is any fixed place of business in addition
26 to the location of ~~business~~ *the principal office* for which the
27 company registration is issued, where records are kept, mail
28 received, statements rendered, money is collected, or requests are
29 received for service or bids, or information is given pertaining to
30 the practice of pest control, other than governmental offices.

31 *SEC. 20. Section 8510 of the Business and Professions Code*
32 *is amended to read:*

33 8510. For purposes of this chapter, “wood preservative” means
34 any coating formulated to protect wood surfaces from deterioration
35 caused by insects, fungus, rot, and decay and which contains a
36 wood preservative chemical that is registered with the ~~California~~
37 Department of Food and Agriculture *Pesticide Regulation* and the
38 United States Environmental Protection Agency.

39 *SEC. 21. Section 8512 of the Business and Professions Code*
40 *is amended to read:*

1 8512. “Employer” refers to a registered company ~~which hires~~
2 *that employs* operators, field representatives, applicators, and other
3 individuals, the latter not being required to be licensed under this
4 chapter, ~~and~~ who work on pest control jobs under the supervision
5 of an operator or field representative.

6 *SEC. 22. Section 8525 of the Business and Professions Code*
7 *is amended to read:*

8 8525. The board, subject to the approval of the director, may,
9 in accordance with Chapter 3.5 (commencing with Section 11340)
10 of Part 1 of Division 3 of Title 2 of the Government Code, adopt,
11 amend, repeal, and enforce reasonably necessary rules and
12 regulations relating to the practice of pest control and its various
13 branches as established by Section 8560 and the administration of
14 this chapter.

15 The board shall also consult with the ~~Director of Food and~~
16 ~~Agriculture~~ *Department of Pesticide Regulation* when developing
17 or adopting regulations that may affect the Department of ~~Food~~
18 ~~and Agriculture~~ *Pesticide Regulation* or the county agricultural
19 commissioner’s responsibilities pursuant to Division 7
20 (commencing with Section 12501) of the Food and Agricultural
21 Code.

22 *SEC. 23. Section 8551.5 of the Business and Professions Code*
23 *is amended to read:*

24 8551.5. No unlicensed individual in the employ of a registered
25 company shall apply any pesticide, ~~rodenticide, or allied chemicals~~
26 ~~or substances~~ for the purpose of eliminating, exterminating,
27 controlling, or preventing infestation or infections of pests, or
28 organisms included in Branch 2 or Branch 3. However, an
29 individual may, for 30 days from the date of ~~hire employment~~,
30 apply pesticides, ~~rodenticides, or allied chemicals~~ for the purposes
31 of training under the direct supervision of a licensed field
32 representative or operator employed by the company. This direct
33 supervision means in the presence of the licensed field
34 representative or operator at all times. The 30-day time period may
35 not be extended.

36 *SEC. 24. Section 8565.5 of the Business and Professions Code*
37 *is amended to read:*

38 8565.5. (a) An applicant for a Branch 1 operator’s license shall
39 demonstrate to the board that he or she has passed satisfactorily
40 board-approved courses in the following areas:

- 1 (1) Pesticides.
- 2 (2) Pest identification and biology.
- 3 (3) Contract law.
- 4 (4) Rules and regulations.
- 5 (5) Business practices.
- 6 (6) Fumigation safety.

7 (b) An applicant for a Branch 2 operator's license shall
8 demonstrate to the board that he or she has passed satisfactorily
9 board-approved courses in the following areas:

- 10 (1) Pesticides.
- 11 (2) Pest identification and biology.
- 12 (3) Contract law.
- 13 (4) Rules and regulations.
- 14 (5) Business practices.

15 (c) An applicant for a Branch 3 operator's license shall
16 demonstrate to the board that he or she has passed satisfactorily
17 board-approved courses in the following areas:

- 18 (1) Pesticides.
- 19 (2) Pest identification and biology.
- 20 (3) Contract law.
- 21 (4) Rules and regulations.
- 22 (5) Business practices.
- 23 (6) Construction repair and preservation techniques.

24 ~~The board shall develop a correspondence course or courses~~
25 ~~with any educational institution or institutions as it deems~~
26 ~~appropriate. These courses may be used to fulfill the requirements~~
27 ~~of this section. The institution may charge a reasonable fee for~~
28 ~~each course.~~

29 *SEC. 25. Section 8591 of the Business and Professions Code*
30 *is amended to read:*

31 8591. If delinquency in the payment of the fee for renewal of
32 any operator's or field representative's license extends beyond three
33 months, the license ~~may~~ shall not be reinstated and the licensee
34 ~~may~~ shall be required to obtain a new license in accordance with
35 the provisions of Article 4 (commencing with Section 8560).

36 *SEC. 26. Section 8592 of the Business and Professions Code*
37 *is amended to read:*

38 8592. Any operator, field representative, or applicator licensee
39 whose license is under suspension may make application for
40 renewal of his or her license as provided in this article, but the

1 board may not renew his or her license until the suspension has
2 been lifted.

3 *SEC. 27. Section 8610 of the Business and Professions Code*
4 *is amended to read:*

5 8610. (a) Every company that engages in the practice of
6 structural pest control, as a sole proprietorship, partnership,
7 corporation, or other organization or any combination thereof,
8 shall be registered with the Structural Pest Control Board. Each
9 application for a company registration shall include the name of
10 the company's owner if it is a sole proprietorship, the names of
11 the partners, if it is a partnership, or the names of its officers and
12 shareholders with 10 percent or more ownership interest, if it is a
13 corporation, and the address of the company's principal office in
14 this state.

15 (b) (1) A company registration shall not be issued to an
16 applicant that has an officer, director, qualifying manager,
17 responsible managing employee, or an individual who otherwise
18 exercises dominion or control over the company, whose license
19 or registration is revoked or suspended at the time of the application
20 as the result of disciplinary action pursuant to this chapter.

21 (2) A company registration shall not be issued to an applicant
22 that has an officer, director, qualifying manager, responsible
23 managing employee, or an individual who otherwise exercises
24 dominion or control over the company, who owns or has owned
25 in the past more than a 10 percent interest in another sole
26 proprietorship, partnership, corporation, or other organization that
27 has its license or registration revoked or suspended at the time of
28 the application as the result of disciplinary action pursuant to this
29 chapter.

30 (c) Each registered company shall designate an individual or
31 individuals who hold an operator's license to act as its qualifying
32 manager or managers. The qualifying manager or managers must
33 be licensed in each branch of pest control in which the company
34 engages in business. The designated qualifying manager or
35 managers shall supervise the daily business of the company and
36 shall be available to supervise and assist all employees of the
37 company, in accordance with regulations which the board may
38 establish.

39 (d) *No individual who holds an operator's license shall act as*
40 *a qualifying manager for more than two registered companies.*

1 (1) Any individual, who on January 1, 2008, is acting as the
2 qualifying manager for more than two registered companies shall
3 comply with this subdivision by January 1, 2010.

4 (2) Commencing January 1, 2010, failure to comply with this
5 subdivision shall result in the disassociation of the qualifying
6 manager and the automatic suspension of the company's
7 registration.

8 (3) This subdivision shall not apply to a company engaging in
9 the practice of structural pest control as a corporation and which
10 has an additional company or companies operating under that
11 corporation and doing business in a name other than the
12 corporation name.

13 SEC. 28. Section 8611 of the Business and Professions Code
14 is amended to read:

15 8611. Each branch office shall have a branch supervisor
16 designated by the registered company to supervise and assist the
17 company's employees who are located at that branch. The branch
18 supervisor shall be an individual who is licensed by the board as
19 an operator or a field representative and his or her license shall
20 be prominently displayed in the branch office.

21 If a branch supervisor ceases for any reason to be connected
22 with a registered company, the company shall notify the registrar
23 in writing within 10 days from that cessation. If this notice is given,
24 the company's branch office registration shall remain in force for
25 a reasonable length of time to be determined by rules of the board,
26 during which period the company shall submit to the registrar in
27 writing the name of another qualified branch supervisor.

28 SEC. 29. Section 8612 of the Business and Professions Code
29 is amended to read:

30 8612. The licenses of ~~operators~~ *qualifying managers* and
31 company registrations shall be prominently displayed in the
32 registered company's office, and no registration issued hereunder
33 shall authorize the company to do business except from the location
34 for which the registration was issued. Each registered company
35 having a branch office or more than one branch office shall be
36 required to display its branch office registration prominently in
37 each branch office it maintains.

38 When registered company opens a branch office it shall notify
39 the registrar in writing on a form prescribed by the board and issued
40 by the registrar in accordance with rules and regulations adopted

1 by the board. The notification shall include the name of the
2 individual designated as the branch supervisor and shall be
3 submitted with the fee for a branch office prescribed by this
4 chapter.

5 *SEC. 30. Section 8617 of the Business and Professions Code*
6 *is amended to read:*

7 8617. (a) The board or county agricultural commissioners,
8 when acting pursuant to Section 8616.4, may suspend the right of
9 a structural pest control licensee or registered company to work
10 in a county for up to three working days or, for a licensee,
11 registered company, or an unlicensed individual acting as a
12 licensee, may levy an administrative fine up to one thousand dollars
13 (\$1,000) or direct the licensee to attend and pass a board-approved
14 course of instruction at a cost not to exceed the administrative fine,
15 or both, for each violation of this chapter; or Chapter 14.5
16 (*commencing with Section 8698*), or any regulations adopted
17 pursuant to these chapters, or Chapter 2 (*commencing with Section*
18 *12751*), Chapter 3 (*commencing with Section 14001*), Chapter 3.5
19 (*commencing with Section 14101*), or Chapter 7 (*commencing*
20 *with Section 15201*) of Division 7 of the Food and Agricultural
21 Code, or any regulations adopted pursuant to those chapters,
22 relating to pesticides. However, any violation determined by the
23 board or the commissioner to be a serious violation as defined in
24 Section 1922 of Title 16 of the California Code of Regulations
25 shall be subject to a fine of not more than five thousand dollars
26 (\$5,000) for each violation. Fines collected shall be paid to the
27 Education and Enforcement Account in the Structural Pest Control
28 Education and Enforcement Fund. Suspension may include all or
29 part of the registered company's business within the county based
30 on the nature of the violation, but shall, whenever possible, be
31 restricted to that portion of a registered company's business in a
32 county that was in violation.

33 (b) A licensee who passes a course pursuant to this section shall
34 not be awarded continuing education credit for that course.

35 (c) Before a suspension action is taken, a fine levied, or a
36 licensee is required to attend and pass a board-approved course of
37 instruction, the person charged with the violation shall be provided
38 a written notice of the proposed action, including the nature of the
39 violation, the amount of the proposed fine or suspension, or the
40 requirement to attend and pass a board-approved course of

1 instruction. The notice of proposed action shall inform the person
2 charged with the violation that if he or she desires a hearing before
3 the commissioner issuing the proposed action to contest the finding
4 of a violation, that hearing shall be requested by written notice to
5 the commissioner within 20 days of the date of receipt of the
6 written notice of proposed action.

7 A notice of the proposed action that is sent by certified mail to
8 the last known address of the person charged shall be considered
9 received even if delivery is refused or the notice is not accepted
10 at that address.

11 If a hearing is requested, notice of the time and place of the
12 hearing shall be given at least 10 days before the date set for the
13 hearing. At the hearing, the person shall be given an opportunity
14 to review the commissioner's evidence and a right to present
15 evidence on his or her own behalf. If a hearing is not requested
16 within the prescribed time, the commissioner may take the action
17 proposed without a hearing.

18 (d) If the person upon whom the commissioner imposed a fine
19 or suspension or required attendance at a board-approved course
20 of instruction requested and appeared at a hearing before the
21 commissioner, the person may appeal the commissioner's decision
22 to the Disciplinary Review Committee and shall be subject to the
23 procedures in Section 8662.

24 (e) If a suspension or fine is ordered, it may not take effect until
25 20 days after the date of the commissioner's decision if no appeal
26 is filed. If an appeal pursuant to Section 8662 is filed, the
27 commissioner's order shall be stayed until 30 days after the
28 Disciplinary Review Committee has ruled on the appeal.

29 (f) Failure of a licensee or registered company to pay a fine
30 within 30 days of the date of assessment or to comply with the
31 order of suspension, unless the citation is being appealed, may
32 result in disciplinary action being taken by the board.

33 Where a citation containing a fine is issued to a licensee and it
34 is not contested or the time to appeal the citation has expired and
35 the fine is not paid, the full amount of the assessed fine shall be
36 added to the fee for renewal of that license. A license shall not be
37 renewed without payment of the renewal fee and fine.

38 Where a citation containing a fine is issued to a registered
39 company and it is not contested or the time to appeal the citation
40 has expired and the fine is not paid, the board shall not sell to the

1 registered company any ~~inspection stamps, notice of completion~~
2 ~~stamps, or pesticide use stamps~~ until the assessed fine has been
3 paid.

4 Where a citation containing the requirement that a licensee attend
5 and pass a board-approved course of instruction is not contested
6 or the time to appeal the citation has expired and the licensee has
7 not attended and passed the required board-approved course of
8 instruction, the licensee's license shall not be renewed without
9 proof of attendance and passage of the required board-approved
10 course of instruction.

11 (g) Once final action pursuant to this section is taken, no other
12 administrative or civil action may be taken by any state
13 governmental agency for the same violation. However, action
14 taken pursuant to this section may be used by the board as evidence
15 of prior discipline, and multiple local actions may be the basis for
16 statewide disciplinary action by the board pursuant to Section
17 8620. A certified copy of the order of suspension or fine issued
18 pursuant to this section or Section 8662 shall constitute conclusive
19 evidence of the occurrence of the violation.

20 (h) Where the board is the party issuing the notice of proposed
21 action to suspend or impose a fine pursuant to subdivision (a) ~~of~~
22 ~~this section~~, "commissioner" as used in subdivisions (c), (d), and
23 (e) includes the board's registrar.

24 *SEC. 31. Section 8712 of the Business and Professions Code*
25 *is repealed.*

26 ~~8712. The executive officer shall prepare, once every two years,~~
27 ~~a roster containing the names and addresses of all licensed land~~
28 ~~surveyors, and the names and addresses of the holders of delinquent~~
29 ~~licenses. The roster shall be a part of the roster of registered~~
30 ~~professional engineers issued by the board.~~

31 ~~A copy of the roster shall be filed with the Secretary of State.~~

32 ~~Copies of the roster shall be available to the general public.~~

33 ~~The roster shall be a public record.~~

34 *SEC. 32. Section 8712 is added to the Business and Professions*
35 *Code, to read:*

36 *8712. The board shall compile and maintain, or may have*
37 *compiled and maintained on its behalf, a register of all licensed*
38 *land surveyors that includes the following information for each*
39 *licensee:*

40 (a) Name.

1 (b) *Address of record.*

2 (c) *Type of branch license.*

3 (d) *License number.*

4 (e) *The date the license was issued.*

5 (f) *The date the license will expire.*

6 SEC. 33. *Section 8776 of the Business and Professions Code*
7 *is amended to read:*

8 8776. (a) A licensee shall report to the board in writing the
9 occurrence of any of the following events that occurred on or after
10 ~~July 1, 2006~~ *January 1, 2008*, within 90 days of the date the
11 licensee has knowledge of the event:

12 (1) The conviction of the licensee of any felony.

13 (2) The conviction of the licensee of any other crime that is
14 substantially related to the qualifications, functions, and duties of
15 a licensed land surveyor.

16 (3) Any civil action judgment, settlement, arbitration award, or
17 administrative action resulting in a judgment, settlement, or
18 arbitration award against the licensee in any action alleging fraud,
19 deceit, misrepresentation, breach or violation of contract,
20 negligence, incompetence, or recklessness by the licensee in the
21 practice of land surveying if the amount or value of the judgment,
22 settlement, or arbitration award is fifty thousand dollars (\$50,000)
23 or greater.

24 (b) The report required by subdivision (a) shall be signed by
25 the licensee and set forth the facts that constitute the reportable
26 event. If the reportable event involves the action of an
27 administrative agency or court, the report shall set forth the title
28 of the matter, court or agency name, docket number, and the dates
29 the reportable event occurred.

30 (c) A licensee shall promptly respond to oral or written inquiries
31 from the board concerning the reportable events, including inquiries
32 made by the board in conjunction with license renewal.

33 (d) Nothing in this section shall impose a duty upon any licensee
34 to report to the board the occurrence of any of the events set forth
35 in subdivision (a) either by or against any other licensee.

36 (e) Failure of a licensee to report to the board in the time and
37 manner required by this section shall be grounds for disciplinary
38 action.

39 (f) For purposes of this section, a conviction includes the initial
40 plea, verdict, or finding of guilt; a plea of no contest; or

1 pronouncement of sentence by a trial court even though the
2 conviction may not be final or sentence actually imposed until all
3 appeals are exhausted.

4 *SEC. 34. Section 8776.7 of the Business and Professions Code*
5 *is amended to read:*

6 8776.7. This article shall become operative on ~~July 1, 2006~~
7 *January 1, 2008*, only if an appropriation is made from the
8 Professional Engineer's and Land Surveyor's Fund for the ~~2006-07~~
9 *2007-08* fiscal year in the annual Budget Act to fund the activities
10 of this article, and sufficient hiring authority is granted to the board
11 pursuant to a budget change proposal to provide sufficient staffing
12 to implement this article.

13 *SEC. 35. Section 8780.1 of the Business and Professions Code*
14 *is amended to read:*

15 8780.1. The board may receive and investigate complaints
16 against land surveyors-in-training; and make findings thereon.

17 By a majority vote, the board may revoke the certificate of any
18 land surveyor-in-training:

19 (a) Who has been convicted of a crime as defined in subdivision
20 (a) of Section 480.

21 (b) *Who has committed any act that would be grounds for denial*
22 *of a license pursuant to Section 480 or 496.*

23 ~~(b)~~

24 (c) Who has been found guilty of any fraud, deceit, or
25 misrepresentation in obtaining his or her land surveyor-in-training
26 certificate or license as a professional land surveyor.

27 ~~(e)~~

28 (d) Who aids or abets any person in the violation of any
29 provision of this chapter.

30 ~~(d)~~

31 (e) Who violates Section 119 with respect to a land
32 surveyor-in-training certificate ~~or~~.

33 (f) *Who commits any act described in Section 8792.*

34 ~~(e) Any violation of~~

35 (g) *Who violates any provision of this chapter.*

36 *SEC. 36. Section 8805 of the Business and Professions Code*
37 *is amended to read:*

38 8805. The amount of the fees prescribed by this chapter shall
39 be fixed by the board in accordance with the following schedule:

1 (a) The fee for filing each application for licensure as a land
2 surveyor at not more than four hundred dollars (\$400), and for
3 each application for certification as a land surveyor-in-training
4 (LSIT) at not more than one hundred dollars (\$100).

5 ~~(b) The temporary registration fee for a land surveyor at not~~
6 ~~more than 25 percent of the application fee in effect on the date~~
7 ~~of application.~~

8 ~~(c)~~

9 (b) The renewal fee for a land surveyor at not more than the
10 application fee.

11 ~~(d)~~

12 (c) The fee for a retired license at not more than 50 percent of
13 the professional land surveyor application fee in effect on the date
14 of application.

15 ~~(e)~~

16 (d) The delinquency fee at not more than 50 percent of the
17 renewal fee in effect on the date of reinstatement.

18 ~~(f)~~

19 (e) The board shall establish by regulation an appeal fee for
20 examination. The regulation shall include provisions for an
21 applicant to be reimbursed the appeal fee if the appeal results in
22 passage of examination. The fee shall be no more than the costs
23 incurred by the board.

24 ~~(g)~~

25 (f) All other document fees are to be set by the board by rule.

26 ~~SEC. 6.~~

27 *SEC. 37.* Section 9812.5 of the Business and Professions Code
28 is amended to read:

29 9812.5. The director shall gather evidence of violations of this
30 chapter and of any regulation established hereunder by any service
31 contractor, whether registered or not, and by any employee, partner,
32 officer, or member of any service contractor. The director shall,
33 on his or her own initiative, conduct spot check investigations of
34 service contractors throughout the state on a continuous basis. This
35 section shall remain in effect only until January 1, 2013, and as of
36 that date is repealed, unless a later enacted statute, that is enacted
37 before January 1, 2013, deletes or extends that date.

38 ~~SEC. 7.~~

39 *SEC. 38.* Section 9830.5 of the Business and Professions Code
40 is amended to read:

1 9830.5. Each service contractor shall pay the fee required by
2 this chapter for each place of business operated by him or her in
3 this state and shall register with the bureau upon forms prescribed
4 by the director. The forms shall contain sufficient information to
5 identify the service contractor, including name, address, retail
6 seller's permit number, if a permit is required under the Sales and
7 Use Tax Law (Part 1 (commencing with Section 6001) of Division
8 2 of the Revenue and Taxation Code), a copy of the certificate of
9 qualification as filed with the Secretary of State if the service
10 contractor is a foreign corporation, and other identifying data to
11 be prescribed by the bureau. If the business is to be carried on
12 under a fictitious name, that fictitious name shall be stated. If the
13 service contractor is a partnership, identifying data shall be stated
14 for each partner. If the service contractor is a private company that
15 does not file an annual report on Form 10-K with the Securities
16 and Exchange Commission, data shall be included for each of the
17 officers and directors of the company as well as for the individual
18 in charge of each place of the service contractor's business in the
19 State of California, subject to any regulations the director may
20 adopt. If the service contractor is a publicly held corporation or a
21 private company that files an annual report on Form 10-K with
22 the Securities and Exchange Commission, it shall be sufficient for
23 purposes of providing data for each of the officers and directors
24 of the corporation or company to file with the director the most
25 recent annual report on Form 10-K that is filed with the Securities
26 and Exchange Commission.

27 A service contractor who does not operate a place of business
28 in this state but who sells, issues, or administers service contracts
29 in this state, shall hold a valid registration issued by the bureau
30 and shall pay the registration fee required by this chapter as if he
31 or she had a place of business in this state.

32 This section shall remain in effect only until January 1, 2013,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2013, deletes or extends that date.

35 ~~SEC. 8.~~

36 *SEC. 39.* Section 9831 of the Business and Professions Code
37 is amended to read:

38 9831. Upon receipt of the form properly filled out and receipt
39 of the required fee, the director shall, provided the applicant has
40 not committed acts or crimes constituting grounds for denial of

1 licensure under Section 480, issue the registration and send a proof
2 of issuance to the service dealer. The director shall by regulation
3 prescribe conditions upon which a person whose registration has
4 previously been revoked or has previously been denied, may have
5 his or her registration issued.

6 ~~SEC. 9.~~

7 *SEC. 40.* Section 9832.5 of the Business and Professions Code
8 is amended to read:

9 9832.5. (a) Registrations issued under this chapter shall expire
10 no more than 12 months after the issue date. The expiration date
11 of registrations shall be set by the director in a manner to best
12 distribute renewal procedures throughout the year.

13 (b) To renew an unexpired registration, the service contractor
14 shall, on or before the expiration date of the registration, apply for
15 renewal on a form prescribed by the director, and pay the renewal
16 fee prescribed by this chapter.

17 (c) To renew an expired registration, the service contractor shall
18 apply for renewal on a form prescribed by the director, pay the
19 renewal fee in effect on the last regular renewal date, and pay all
20 accrued and unpaid delinquency and renewal fees.

21 (d) Renewal is effective on the date that the application is filed,
22 the renewal fee is paid, and all delinquency fees are paid.

23 (e) For purposes of implementing the distribution of the renewal
24 of registrations throughout the year, the director may extend, by
25 not more than six months, the date fixed by law for renewal of a
26 registration, except that, in that event, any renewal fee that may
27 be involved shall be prorated in such a manner that no person shall
28 be required to pay a greater or lesser fee than would have been
29 required had the change in renewal dates not occurred.

30 (f) This section shall remain in effect only until January 1, 2013,
31 and as of that date is repealed, unless a later enacted statute, which
32 is enacted before January 1, 2013, deletes or extends that date.

33 ~~SEC. 10.~~

34 *SEC. 41.* Section 9841 of the Business and Professions Code
35 is amended to read:

36 9841. (a) The director may deny, suspend, revoke, or place
37 on probation the registration of a service dealer for any of the
38 following acts or omissions done by himself or herself or any
39 employee, partner, officer, or member of the service dealer and
40 related to the conduct of his or her business:

1 (1) Making or authorizing any statement or advertisement that
2 is untrue or misleading, and that is known, or which by the exercise
3 of reasonable care should be known, to be untrue or misleading.

4 (2) Making any false promises of a character likely to influence,
5 persuade, or induce a customer to authorize the repair, installation,
6 service, or maintenance of the equipment as specified by this
7 chapter.

8 (3) Any other conduct that constitutes fraud or dishonest dealing.

9 (4) Conduct constituting incompetence or negligence.

10 (5) Failure to comply with the provisions of this chapter or any
11 regulation, rule, or standard established pursuant to this chapter.

12 (6) Any willful departure from or disregard of accepted trade
13 standards for good and workmanlike installation or repair.

14 (7) Conviction of a crime that has a substantial relationship to
15 the qualifications, functions and duties of a registrant under this
16 chapter, in which event the record of the conviction shall be
17 conclusive evidence thereof.

18 (8) A violation of any order of the bureau made pursuant to this
19 chapter.

20 (b) The director may also deny, or may suspend, revoke, or
21 place on probation, the registration of a service dealer if the
22 applicant or registrant, as the case may be, has committed acts or
23 crimes constituting grounds for denial of licensure under Section
24 480.

25 (c) The director may also deny, or may suspend, revoke, or
26 place on probation, the registration of a service dealer if the
27 applicant or registrant, as the case may be, will be or is holding
28 the registration for the benefit of a former registrant whose
29 registration has been suspended or revoked and who will continue
30 to have some involvement in the applicant's or new registrant's
31 business.

32 ~~SEC. 41.~~

33 *SEC. 42.* Section 9847.5 of the Business and Professions Code
34 is amended to read:

35 9847.5. Each service contractor shall maintain those records
36 as are required by the regulations adopted to carry out the
37 provisions of this chapter for a period of at least three years. These
38 records shall be open for reasonable inspection by the director or
39 other law enforcement officials.

1 This section shall remain in effect only until January 1, 2013,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2013, deletes or extends that date.

4 ~~SEC. 42.~~

5 *SEC. 43.* Section 9848 of the Business and Professions Code
6 is amended to read:

7 9848. All proceedings to deny registration or suspend, revoke,
8 or place on probation a registration shall be conducted pursuant
9 to Chapter 5 (commencing with Section 11500) of Part 1 of
10 Division 3 of Title 2 of the Government Code.

11 ~~SEC. 43.~~

12 *SEC. 44.* Section 9849 of the Business and Professions Code,
13 as amended by Section 23 of Chapter 405 of the Statutes of 2002,
14 is amended to read:

15 9849. The expiration of a valid registration shall not deprive
16 the director of jurisdiction to proceed with any investigation or
17 hearing on a cease and desist order against a service dealer or
18 service contractor or to render a decision to suspend, revoke, or
19 place on probation a registration.

20 This section shall remain in effect only until January 1, 2013,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2013, deletes or extends that date.

23 ~~SEC. 44.~~

24 *SEC. 45.* Section 9849 of the Business and Professions Code,
25 as amended by Section 22 of Chapter 405 of the Statutes of 2002,
26 is amended to read:

27 9849. The expiration of a valid registration shall not deprive
28 the director of jurisdiction to proceed with any investigation or
29 hearing on a cease and desist order against a service dealer or to
30 render a decision to suspend, revoke, or place on probation a
31 registration.

32 This section shall become operative on January 1, 2013.

33 ~~SEC. 45.~~

34 *SEC. 46.* Section 9851 of the Business and Professions Code,
35 as amended by Section 25 of Chapter 405 of the Statutes of 2002,
36 is amended to read:

37 9851. The superior court in and for the county wherein any
38 person carries on, or attempts to carry on, business as a service
39 dealer or service contractor in violation of the provisions of this
40 chapter, or any regulation thereunder, shall, on application of the

1 director, issue an injunction or other appropriate order restraining
2 that conduct.

3 The proceedings under this section shall be governed by Chapter
4 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
5 of Civil Procedure, except that the director shall not be required
6 to allege facts necessary to show or tending to show lack of an
7 adequate remedy at law or irreparable injury.

8 This section shall remain in effect only until January 1, 2013,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2013, deletes or extends that date.

11 ~~SEC. 16:~~

12 *SEC. 47.* Section 9851 of the Business and Professions Code,
13 as amended by Section 24 of Chapter 405 of the Statutes of 2002,
14 is amended to read:

15 9851. The superior court in and for the county wherein any
16 person carries on, or attempts to carry on, business as a service
17 dealer in violation of the provisions of this chapter, or any
18 regulation thereunder, shall, on application of the director, issue
19 an injunction or other appropriate order restraining that conduct.

20 The proceedings under this section shall be governed by Chapter
21 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
22 of Civil Procedure, except that the director shall not be required
23 to allege facts necessary to show or tending to show lack of an
24 adequate remedy at law or irreparable injury.

25 This section shall become operative on January 1, 2013.

26 ~~SEC. 17:~~

27 *SEC. 48.* Section 9853 of the Business and Professions Code,
28 as amended by Section 27 of Chapter 405 of the Statutes of 2002,
29 is amended to read:

30 9853. A plea or verdict of guilty or a conviction following a
31 plea of nolo contendere made to a charge substantially related to
32 the qualifications, functions, and duties of a service dealer or
33 service contractor is deemed to be a conviction within the meaning
34 of this article. The director may suspend, revoke, or place on
35 probation a registration, or may deny registration, when the time
36 for appeal has elapsed, or the judgment of conviction has been
37 affirmed on appeal or when an order granting probation is made
38 suspending the imposition of sentence, irrespective of a subsequent
39 order under Section 1203.4 of the Penal Code, allowing that person
40 to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the
2 accusation, information, or indictment.

3 This section shall remain in effect only until January 1, 2013,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2013, deletes or extends that date.

6 ~~SEC. 48.~~

7 *SEC. 49.* Section 9853 of the Business and Professions Code,
8 as amended by Section 26 of Chapter 405 of the Statutes of 2002,
9 is amended to read:

10 9853. A plea or verdict of guilty or a conviction following a
11 plea of nolo contendere made to a charge substantially related to
12 the qualifications, functions, and duties of a service dealer is
13 deemed to be a conviction within the meaning of this article. The
14 director may suspend, revoke, or place on probation a registration,
15 or may deny registration, when the time for appeal has elapsed, or
16 the judgment of conviction has been affirmed on appeal or when
17 an order granting probation is made suspending the imposition of
18 sentence, irrespective of a subsequent order under Section 1203.4
19 of the Penal Code allowing that person to withdraw his or her plea
20 of guilty and to enter a plea of not guilty, or setting aside the verdict
21 of guilty, or dismissing the accusation, information, or indictment.

22 This section shall become operative on January 1, 2013.

23 ~~SEC. 49.~~

24 *SEC. 50.* Section 9855.7 of the Business and Professions Code
25 is amended to read:

26 9855.7. The director may deny, or may suspend, revoke, or
27 place on probation the registration of a service contractor for any
28 act, omission, or crime that is committed by the service contractor
29 or any employee, partner, officer, or agent of the service contractor
30 for any of the following reasons:

31 (a) Any conduct that constitutes fraud or dishonest dealing.

32 (b) Conviction of a crime that has a substantial relationship to
33 the qualifications, functions and duties of a registrant under this
34 chapter, in which event the record of conviction shall be conclusive
35 evidence thereof.

36 (c) Assisting in or abetting the violation of, or conspiring to
37 violate, any provision of this article, or of regulations adopted
38 under this article.

1 ~~SEC. 20.~~

2 ~~SEC. 51.~~ Section 9855.8 of the Business and Professions Code
3 is amended to read:

4 9855.8. (a) The director may issue a citation to the service
5 contractor for any of the following reasons:

6 (1) Violation of subdivision (a) of Section 9855.3 or Section
7 9855.5, or any regulation adopted thereunder.

8 (2) Upon a determination by the director that the service
9 contractor has committed a violation by (A) making or authorizing
10 statements or advertisements which are untrue or misleading; or
11 (B) making false promises of a character likely to influence,
12 persuade, or induce a customer to purchase a service contract as
13 provided by this chapter.

14 (3) For purposes of this section, a violation consists of a single
15 publication or single course of conduct that is determined by the
16 director to be untrue or misleading.

17 (b) The citation may contain an order of abatement and an order
18 to pay an administrative fine assessed by the director.

19 (1) Each citation shall be in writing and shall describe with
20 particularity the nature of the violation, including a specific
21 reference to the provision of law determined to have been violated.

22 (2) Where appropriate, the citation shall contain an order of
23 abatement fixing a reasonable time for abatement of the violation.

24 (3) A citation or fine assessment issued pursuant to a citation
25 shall inform the service contractor that if he or she desires a hearing
26 to contest the finding of a violation, that hearing shall be requested
27 by written notice to the bureau within 30 days of the date of
28 issuance of the citation or assessment. If a hearing is not requested
29 pursuant to this section, payment of any fine shall not constitute
30 an admission of the violation charged. Hearings shall be held
31 pursuant to Chapter 5 (commencing with Section 11500) of Part
32 1 of Division 3 of Title 2 of the Government Code.

33 (4) (A) In addition to requesting a hearing as provided for
34 herein, the service contractor may request a citation review
35 conference with the director or his or her designee regarding the
36 acts charged in the citation. A citation review conference shall be
37 requested by written notice to the bureau within 20 days of the
38 date of the issuance of the citation or assessment.

39 (B) The director or his or her designee shall hold a citation
40 review conference within 60 days from the receipt of the request.

1 At the conclusion of the citation review conference, the director
2 or his or her designee shall state, in writing, the reasons for his or
3 her action and transmit a copy of his or her findings and decision
4 to the service contractor.

5 (5) The failure of a service contractor to pay a fine within 30
6 days of the date of assessment, unless the citation is being appealed,
7 may result in disciplinary action being taken by the director. Where
8 a citation is not contested and a fine is not paid, the full amount
9 of the assessed fine shall be added to the fee for renewal of the
10 registration. A registration shall not be renewed without payment
11 of the renewal fee and fine.

12 (c) Where a citation includes an administrative fine, it shall be
13 issued in accordance with the following procedures:

14 (1) For the first citation, the director may assess an
15 administrative fine of not less than one hundred dollars (\$100) but
16 not more than five hundred dollars (\$500).

17 (2) For the second citation issued during any one year period,
18 the director may assess an administrative fine of not less than five
19 hundred dollars (\$500) but not more than one thousand dollars
20 (\$1,000).

21 (3) For the third citation issued during any two-year period, the
22 director may assess an administrative fine of not less than one
23 thousand dollars (\$1,000) but not more than two thousand dollars
24 (\$2,000).

25 (4) For the fourth violation of subdivision (a) of Section 9855.3
26 or of Section 9855.5, or any regulation adopted thereunder, during
27 any two-year period, the director may either assess an
28 administrative fine of not less than one thousand dollars (\$1,000)
29 but not more than two thousand dollars (\$2,000) or suspend,
30 revoke, or place on probation a registration of the service
31 contractor.

32 ~~SEC. 21.~~

33 *SEC. 52.* Section 9855.9 of the Business and Professions Code
34 is amended to read:

35 9855.9. This article shall remain in effect only until January
36 1, 2013, and as of that date is repealed, unless a later enacted
37 statute, that is enacted before January 1, 2013, deletes or extends
38 that date.

~~SEC. 22.~~

SEC. 53. Section 9860 of the Business and Professions Code, as amended by Section 30 of Chapter 405 of the Statutes of 2002, is amended to read:

9860. The director shall establish procedures for accepting complaints from the public against any service dealer or service contractor.

This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

~~SEC. 23.~~

SEC. 54. Section 9860 of the Business and Professions Code, as amended by Section 29 of Chapter 405 of the Statutes of 2002, is amended to read:

9860. The director shall establish procedures for accepting complaints from the public against any service dealer.

This section shall become operative on January 1, 2013.

~~SEC. 24.~~

SEC. 55. Section 9862.5 of the Business and Professions Code is amended to read:

9862.5. If a complaint indicates a possible violation of this chapter or of the regulations adopted pursuant to this chapter, the director may advise the service contractor of the contents of the complaint and, if the service contractor is so advised, the director shall make a summary investigation of the facts after the service dealer has had reasonable opportunity to reply thereto.

This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

~~SEC. 25.~~

SEC. 56. Section 9863 of the Business and Professions Code, as amended by Section 33 of Chapter 405 of the Statutes of 2002, is amended to read:

9863. If, upon summary investigation, it appears probable to the director that a violation of this chapter, or the regulations thereunder, has occurred, the director, in his or her discretion, may suggest measures that in the director's judgment would compensate the complainant for the damages he or she has suffered as a result of the alleged violation. If the service dealer or service contractor accepts the director's suggestions and performs accordingly, the

1 director shall give that fact due consideration in any subsequent
2 disciplinary proceeding. If the service dealer or service contractor
3 declines to abide by the suggestions of the director, the director
4 may investigate further and may institute disciplinary proceedings
5 in accordance with the provisions of this chapter.

6 This section shall remain in effect only until January 1, 2013,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2013, deletes or extends that date.

9 ~~SEC. 26.~~

10 *SEC. 57.* Section 9863 of the Business and Professions Code,
11 as amended by Section 32 of Chapter 405 of the Statutes of 2002,
12 is amended to read:

13 9863. If, upon summary investigation, it appears probable to
14 the director that a violation of this chapter, or the regulations
15 thereunder, has occurred, the director, in his or her discretion, may
16 suggest measures that in the director's judgment would compensate
17 the complainant for the damages he or she has suffered as a result
18 of the alleged violation. If the service dealer accepts the director's
19 suggestions and performs accordingly, the director shall give that
20 fact due consideration in any subsequent disciplinary proceeding.
21 If the service dealer declines to abide by the suggestions of the
22 director, the director may investigate further and may institute
23 disciplinary proceedings in accordance with the provisions of this
24 chapter.

25 This section shall become operative on January 1, 2013.

26 ~~SEC. 27.~~

27 *SEC. 58.* Section 9873 of the Business and Professions Code,
28 as amended by Section 35 of Chapter 405 of the Statutes of 2002,
29 is amended to read:

30 9873. The fees prescribed by this chapter shall be set by the
31 director by regulation, according to the following schedule:

32 (a) (1) The initial registration fee for an electronic repair
33 industry service dealer or for an appliance repair industry service
34 dealer is not more than one hundred sixty-five dollars (\$165) for
35 each place of business in this state. The initial registration fee for
36 a service contractor is not more than seventy-five dollars (\$75) for
37 each place of business in this state.

38 (2) The initial registration fee for a person who engages in
39 business as both an electronic repair industry service dealer and
40 an appliance repair industry service dealer is not more than three

1 hundred twenty-five dollars (\$325) for each place of business in
2 this state. The initial registration fee for a person who is a service
3 contractor and engages in business as either an electronic repair
4 industry service dealer or an appliance repair industry service
5 dealer is not more than two hundred forty dollars (\$240) for each
6 place of business in this state.

7 (3) The initial registration fee for a person who engages in both
8 the electronic repair industry and the appliance repair industry as
9 a service dealer and is a service contractor is not more than four
10 hundred dollars (\$400) for each place of business in this state.

11 (4) On or after January 1, 2000, the initial registration fee for a
12 service contractor described in subdivision (e) of Section 12741
13 of the Insurance Code shall be set by the director in an amount not
14 to exceed the actual and direct costs associated with the regulation
15 of those service contractors, but in no event more than fifty
16 thousand dollars (\$50,000).

17 A service dealer or service contractor who does not operate a
18 place of business in this state, but engages in the electronic repair
19 industry, the appliance repair industry, or sells, issues, or
20 administers service contracts in this state shall pay the registration
21 fee specified herein as if he or she had a place of business in this
22 state.

23 (b) (1) The annual registration renewal fee for an electronic
24 repair industry service dealer or for an appliance repair industry
25 service dealer is not more than one hundred sixty-five dollars
26 (\$165) for each place of business in this state, if renewed prior to
27 its expiration date. The annual registration renewal fee for a service
28 contractor is seventy-five dollars (\$75) for each place of business
29 in this state, if renewed prior to its expiration date.

30 (2) The annual renewal fee for a service dealer who engages in
31 the business as both an electronic repair industry service dealer
32 and an appliance repair industry service dealer is not more than
33 three hundred dollars (\$300) for each place of business in this
34 state.

35 (3) The annual renewal fee for a service dealer who engages in
36 the electronic repair industry and the appliance repair industry and
37 is a service contractor is not more than three hundred seventy-five
38 dollars (\$375) for each place of business in this state.

39 (4) It is the intent of the Legislature that the amount of the
40 annual registration renewal fee for a service contractor described

1 in subdivision (e) of Section 12741 of the Insurance Code shall be
2 evaluated and set by the Legislature.

3 A service dealer or service contractor who does not operate a
4 place of business in this state, but who engages in the electronic
5 repair industry, the appliance repair industry, or sells or issues
6 service contracts in this state shall pay the registration fee specified
7 herein as if he or she had a place of business in this state.

8 (c) The delinquency fee is an amount equal to 50 percent of the
9 renewal fee for a license in effect on the date of renewal of the
10 license, except as otherwise provided in Section 163.5.

11 This section shall remain in effect only until January 1, 2013,
12 and as of that date is repealed, unless a later enacted statute, which
13 is enacted before January 1, 2013, deletes or extends that date.

14 ~~SEC. 28:~~

15 *SEC. 59.* Section 9873 of the Business and Professions Code,
16 as amended by Section 34 of Chapter 405 of the Statutes of 2002,
17 is amended to read:

18 9873. The fees prescribed by this chapter shall be set by the
19 director by regulation, according to the following schedule:

20 (a) The initial registration fee for an electronic repair industry
21 service dealer or for an appliance repair industry service dealer is
22 not more than one hundred sixty-five dollars (\$165) for each place
23 of business in this state. The initial registration fee for a person
24 who engages in business as both an electronic repair industry
25 service dealer and an appliance repair industry service dealer is
26 not more than three hundred twenty-five dollars (\$325).

27 (b) The annual registration renewal fee for an electronic repair
28 industry service dealer or for an appliance repair industry service
29 dealer is not more than one hundred sixty-five dollars (\$165) for
30 each place of business in this state, if renewed prior to its expiration
31 date. The annual renewal fee for a service dealer who engages in
32 the business as both an electronic repair industry service dealer
33 and an appliance repair industry service dealer is not more than
34 three hundred dollars (\$300).

35 (c) The delinquency fee is an amount equal to 50 percent of the
36 renewal fee for a license in effect on the date of renewal of the
37 license, except as otherwise provided in Section 163.5.

38 This section shall become operative on January 1, 2013.

1 ~~SEC. 29.~~

2 *SEC. 60.* Section 9884.20 is added to the Business and
3 Professions Code, to read:

4 9884.20. All accusations against automotive repair dealers
5 shall be filed within three years after the performance of the act
6 or omission alleged as the ground for disciplinary action, except
7 that with respect to an accusation alleging fraud or
8 misrepresentation as a ground for disciplinary action, the accusation
9 may be filed within two years after the discovery, by the bureau,
10 of the alleged facts constituting the fraud or misrepresentation.

11 ~~SEC. 30.~~

12 *SEC. 61.* Section 19008.1 of the Business and Professions Code
13 is amended to read:

14 19008.1. “Used” means ~~furniture~~ or *furniture* or bedding that
15 has been previously owned or used by another individual.

16 ~~SEC. 31.~~

17 *SEC. 62.* Section 19129 of the Business and Professions Code
18 is amended to read:

19 19129. Secondhand or used bedding and any secondhand or
20 used article that can be used for sleeping purposes shall be sanitized
21 under the provisions of this chapter before being sold.

22 ~~SEC. 32.~~

23 *SEC. 63.* Section 19132 of the Business and Professions Code
24 is amended to read:

25 19132. New or sanitized articles of bedding or materials shall
26 at all times be kept separate from any secondhand or used articles
27 or materials that are unsanitized.

28 ~~SEC. 33.~~

29 *SEC. 64.* Section 19170.5 of the Business and Professions Code
30 is amended to read:

31 19170.5. Licenses issued under this chapter expire two years
32 from the date of issuance. To renew his or her license, a licensee
33 shall, on or before the date on which it would otherwise expire,
34 apply for renewal on a form prescribed by the chief, and pay the
35 fees prescribed by Sections 19170 and 19213.1. If a licensee fails
36 to renew his or her license before its expiration, a delinquency fee
37 of 20 percent, but not more than one hundred dollars (\$100),
38 notwithstanding the provisions of Section 163.5, shall be added
39 to the renewal fee. If the renewal fee and delinquency fee are not
40 paid within 90 days after expiration of a license, the licensee shall

1 be assessed an additional penalty fee of 30 percent of the renewal
2 fee. *To renew an expired license, the licensee shall apply on a*
3 *form prescribed by the chief, pay the renewal fee in effect on the*
4 *last regular renewal date, and pay all accrued and unpaid*
5 *delinquency, penalty, and renewal fees. Renewal shall be effective*
6 *on the date that the application is filed, the renewal fee is paid,*
7 *and all delinquency and penalty fees are paid.*

8 ~~SEC. 34.~~

9 SEC. 65. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.